

EXHIBIT A

From: Greeson, Robert
Sent: Friday, August 14, 2020 7:21 PM
To: 'Boehnen, Daniel'; Renard, James S.
Cc: Blumenfeld, Jack B.; provner@potteranderson.com; Drutchas, Grantland; Armstrong, Jeffrey; Lyons III, George T.; Eberhard, Mark; Janitens, Erik; Wu, Hao J.; Baker, Jackie
Subject: RE: BT v. IAC Stipulation re Adjusted Schedule After Court's July 15th Order (Draft 2020 08 13).docx

Dan –

At your request, Jack Blumenfeld informed the Court's Law Clerk yesterday that "the parties have agreed and will be asking the Court to modify the existing schedule for summary judgment and *Daubert* motions, such that those motions will be due next Tuesday, August 18, with responses due August 31, and replies due September 4."

As for expert discovery in addition to the upcoming supplemental rebuttal reports, Jim Renard informed you yesterday that "[w]e and our clients are still considering the issue of expert depositions, at least with respect to the technical experts," and that "we'll let you know of our decision by mid-day tomorrow" (i.e., Friday, August 14). True to that representation, I told you and three of your colleagues this morning that "Defendants will not be able to forego expert depositions" and proposed a deadline (of September 11) for those depositions – which we were and remain willing to extend. We heard nothing from you in response until after 4:30 Eastern time, when we received your urgent request for a meet-and-confer. I was unavailable on such short notice, but I understand that during the ensuing call you announced to Jack and Jim that Defendants now had to agree to the terms specified in your email below as conditions to the already-agreed-upon motion deadlines that Mr. Blumenfeld disclosed to the Court yesterday.

Before we had time to discuss your last-minute demands with our clients and respond, you filed at exactly 6:00 p.m. Eastern time a "Motion to Strike Portions of the Expert Opinions of IAC's Invalidity Expert Dr. Joseph Konstan," apparently disregarding the parties' agreement to extend the date for filing such motions. Of course, if your position is that motions needed to be filed by 6:00 today, your subsequently-filed "Opening Brief" and related exhibits in support of that motion were untimely under the very schedule that our agreement was meant to modify – as were BT's supplemental expert reports of Dr. Frieder and Mr. Dell.

Disregarding the troubling timing of these events, we remain willing to reach an agreement as to the briefing schedule and expert depositions. We will agree: (1) to extend the expert discovery deadline to accommodate the experts' depositions; (2) not to permit any expert to supplement or amend his report based upon his deposition testimony; and (3) not to use any agreed extension of the expert discovery deadline as a basis for a request to move the trial date or any other pretrial deadlines. However, we are not agreeable to a blanket prohibition on our use of expert testimony for any and all pretrial purposes; indeed, such a limitation is at odds with a fundamental purpose of depositions.

As I previously informed you, Defendants planned on filing a motion for summary judgment on invalidity under section 101. Based on BT's (late) filing of today, I can only conclude that you oppose. As such, unless you are willing to abide by the previously agreed upon schedule, your actions leave us with no choice other than to file our summary judgment motion today.

Robert

From: Boehnen, Daniel [mailto:Boehnen@mbhb.com]
Sent: Friday, August 14, 2020 4:04 PM
To: Greeson, Robert <robert.greeson@nortonrosefulbright.com>; Renard, James S. <james.renard@nortonrosefulbright.com>
Cc: Blumenfeld, Jack B. <jblumenfeld@mnat.com>; provner@potteranderson.com; Drutchas, Grantland <Drutchas@mbhb.com>; Armstrong, Jeffrey <armstrong@mbhb.com>; Lyons III, George T. <lyons@mbhb.com>
Subject: RE: BT v. IAC Stipulation re Adjusted Schedule After Court's July 15th Order (Draft 2020 08 13).docx

Robert:

Your email below changes several important assumptions that figured into the stipulation as drafted. Just a few minutes ago, we sent an invite for a meet-and-confer to take place in a few minutes from now in order to discuss the situation. Also, I tried calling each of you, Jim Renard, and Jack Blumenfeld about the matter without success. Fortunately, we did just seconds ago reach Jim and Jack on an initial discussion during which I explained the following.

In a nutshell, we remain willing to agree to the new dates on the briefing schedule but, in view of your changes to the important underlying assumptions of the stipulation, we want further stipulations that:

- Any depositions of experts must take place after Sept. 18th; and
- The outcome of the depositions will not be argued as impacting any of the following:
 - The Trial or pretrial dates; and/or
 - The arguments in relation to the dispositive/Daubert motions, meaning specifically, the deposition of experts will not be used to alter or supplement any of the dispositive/Daubert motion papers or the Court's decisions thereon, nor to seek further supplementation of any expert reports.

If we reach agreement on the whole package, we can lock down the stipulation.

Best wishes, Dan

From: Greeson, Robert [mailto:robert.greeson@nortonrosefulbright.com]
Sent: Friday, August 14, 2020 11:29 AM
To: Renard, James S.; Boehnen, Daniel
Cc: Blumenfeld, Jack B.; provner@potteranderson.com; Drutchas, Grantland; Armstrong, Jeffrey; Lyons III, George T.
Subject: RE: BT v. IAC Stipulation re Adjusted Schedule After Court's July 15th Order (Draft 2020 08 13).docx

Dan –

Defendants will not be able to agree to forego expert depositions. As we discussed earlier this week, Dr. Konstan's supplemental report will be served on August 18, and Mr. Green's supplemental report on damages will be served on August 27. As such, we suggest the parties agree to close expert discovery by September 11.

Please let us know if you agree to the foregoing.

Best,

--Robert

From: Renard, James S.
Sent: Thursday, August 13, 2020 4:01 PM
To: Boehnen, Daniel <Boehnen@mbhb.com>; Greeson, Robert <robert.greeson@nortonrosefulbright.com>
Cc: Blumenfeld, Jack B. <jblumenfeld@mnat.com>; provner@potteranderson.com; Drutchas, Grantland <Drutchas@mbhb.com>; Armstrong, Jeffrey <armstrong@mbhb.com>; Lyons III, George T. <lyons@mbhb.com>
Subject: RE: BT v. IAC Stipulation re Adjusted Schedule After Court's July 15th Order (Draft 2020 08 13).docx

Dan:

We and our clients are still considering the issue of expert depositions, at least with respect to the technical experts. If you want to remove the clause relating to expert depositions, we're agreeable to the filing of your proposed stipulation and order. Otherwise, we'll let you know of our decision by mid-day tomorrow.

Jim

James S. Renard | Partner
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NORTON ROSE FULBRIGHT

Law around the world
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From: Boehnen, Daniel [<mailto:Boehnen@mbhb.com>]
Sent: Thursday, August 13, 2020 12:23 PM
To: Greeson, Robert <robert.greeson@nortonrosefulbright.com>; Renard, James S. <james.renard@nortonrosefulbright.com>
Cc: Blumenfeld, Jack B. <jblumenfeld@mnat.com>; provner@potteranderson.com; Drutchas, Grantland <Drutchas@mbhb.com>; Armstrong, Jeffrey <armstrong@mbhb.com>; Lyons III, George T. <lyons@mbhb.com>
Subject: BT v. IAC Stipulation re Adjusted Schedule After Court's July 15th Order (Draft 2020 08 13).docx

Jim, Robert, Jack:

Please consider the attached draft of Stipulation and Proposed Order memorializing yesterday's meet-and-confer. If OK with Defendants, Jack and Phil can finalize and submit. Please advise.

Dan et al.



Connect with MBHB!



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EXHIBIT B

From: Renard, James S.
Sent: Friday, August 14, 2020 7:15 PM
To: Baker, Jackie <jackie.baker@nortonrosefulbright.com>
Subject: FW: British Telecommunications plc v. IAC/INTERACTIVECORP et al., C.A. No. 18-366-WCB (D. Del.)

From: Blumenfeld, Jack [<mailto:JBlumenfeld@MNAT.com>]
Sent: Thursday, August 13, 2020 11:00 AM
To: Teel, Ryan <teelr@cafc.uscourts.gov>
Cc: Provner@potteranderson.com; Greeson, Robert <robert.greeson@nortonrosefulbright.com>; Boehnen, Daniel <Boehnen@mbhb.com>; Drutchas, Grantland <Drutchas@mbhb.com>; Renard, James S. <james.renard@nortonrosefulbright.com>
Subject: British Telecommunications plc v. IAC/INTERACTIVECORP et al., C.A. No. 18-366-WCB (D. Del.)

Dear Mr. Teel:

I write on behalf of defendants to seek a schedule for letter briefs and a telephone conference with Judge Bryson concerning Supplemental Expert Reports served by plaintiff on Tuesday night. Specifically, defendants believe that those reports go beyond the scope of the Court's July 15, 2020 Order and intend to move to strike portions of those reports. We can be prepared to submit a letter brief as early as tomorrow, August 14. We note, for scheduling purposes, that the parties have agreed and will be asking the Court to modify the existing schedule for summary judgment and *Daubert* motions, such that those motions will be due next Tuesday, August 18, with responses due August 31, and replies due September 4.

Respectfully,

JACK B. BLUMENFELD

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